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HOUSE BILL 337

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Keith J. Gardner

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING THAT FAILURE TO USE SAFETY BELT OR CHILD RESTRAINT DEVICE MAY BE INTRODUCED AS PROOF OF FAULT OR NEGLIGENCE IN A CIVIL ACTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-7-373 NMSA 1978 (being Laws 1985, Chapter 131, Section 4, as amended) is amended to read:

"66-7-373. ENFORCEMENT PROGRAMS.--

A. Failure to be secured by a child passenger restraint device or by a safety belt as required by the Safety Belt Use Act [~~shall not in any instance constitute~~] may be introduced in a civil action to prove fault or negligence and [~~shall not~~] may serve to limit or apportion damages of an insurer or a party to the action.

B. The bureau in cooperation with the [~~state~~

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 ~~department of~~] public education department and the department
2 of health shall, to the extent that funding allows, provide
3 education to encourage compliance with the use of restraint
4 devices in reducing the risk of harm to their users as well as
5 to others.

6 C. The bureau shall evaluate the effectiveness of
7 the Safety Belt Use Act and shall include a report of its
8 findings in the annual evaluation report on its highway safety
9 plan that it submits to the national highway traffic safety
10 administration and the federal highway administration under 23
11 U.S.C. 402.

12 D. The provisions of the Safety Belt Use Act shall
13 be enforced whether or not associated with the enforcement of
14 any other statute."